

135883

2/20/88 E.S.
(signed)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

Laskin/Poplar Oil Site
Jefferson, Ohio

RESPONDENTS:

ABS Industries, Inc.

American Cyanamid Co.

Anchor Motor Freight, Inc.

Atec Industries, Inc.

Barletto Equipment Co.
c/o Chuck Barletto

Be-Kan, Inc.

Browning-Ferris Industries, Inc.

Buffalo Molded Plastics, Inc.

Chevron Corp./Gulf Oil Corporation

Cochran Oil Company

Commercial Shearing, Inc.

Consolidated Rail Corporation

Copes-Vulcan, Inc.

ADMINISTRATIVE ORDER
PURSUANT TO SECTION 106
OF THE COMPREHENSIVE
ENVIRONMENTAL RESPONSE,
COMPENSATION, AND
LIABILITY ACT OF 1980, as
amended

U.S. EPA Docket No. _____

V-W- '88-C-002

Copperweld Steel Co.)
Diver-Steel City Auto)
East Ohio Gas Co.)
General Electric Company)
General Motors Corporation)
General Refractories Co.)
Interlake Steamship Company)
Div. of Pickands Mather & Co.)
Kaiser Aluminum & Chemical Corp.)
Kimmel Pontiac, Inc.)
Koppers Company, Inc.)
Alvin Laskin)
Litton Great Lakes Corp.)
Locke Machinery Company)
Matlack, Inc.)
Mercer Forge)
Midwest Rubber Reclaiming Co.)
National Forge Co.)
North East Service Plaza Inc.)
Ohio Broach & Machine Co.)
Perfection Corporation)
Perry Shipbuilding Corp.)

Pittsburgh & Conneaut Dock Co.)
Pittsburgh & Lake Erie Railroad)
Poplar Oil Company)
Rockwell International Corp.)
R P & C Valve)
R.W. Sidley, Inc.)
Tennessee Gas Pipeline Co.)
TRW, Inc.)
Union Carbide Corporation)
United Products Co.)
White Consolidated Industries (WCI))
_____)

I. PREAMBLE

The following Administrative Order is issued on this date to the Respondents listed above, pursuant to the authority vested in the President of the United States, by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a), as amended, and delegated to the U.S. Environmental Protection Agency (U.S. EPA) by Executive Order No. 12580, January 23, 1987, 52 Federal

Register 2923, redelegated to the Regional Administrator by Delegation 14-14-B, issued February 26, 1987, and further delegated to the Director of the Waste Management Division by Delegation 14-14-B, issued September 14, 1987. Notice of Issuance of this Order has been given to the State of Ohio.

This Administrative Order requires the Respondents, collectively and individually, who are identified in Appendix A hereto, to undertake remedial design and remedial action activities of an operable unit at the Laskin/Poplar Oil Facility located in Jefferson, Ohio, in response to an imminent and substantial endangerment arising from the release or threat of a release of hazardous substances present at the site. This Order neither limits nor compromises the U.S. EPA's ability to issue subsequent Orders, or take other actions, to address any additional response action required at the Laskin/Poplar Oil site. The actions required by this Order are to address response actions, as defined under Sections 101(25) and 104 of SARA, 42 U.S.C. §9601(25) and §9604, identified in U.S. EPA's Record of Decision for this Operable Unit, dated September 30, 1987, and are interim and not the final remedial actions for the Facility.

II. DEFINITIONS

Whenever the following terms are used in this Administrative Order or the Appendices attached hereto, the definitions specified

in this Section shall apply:

A. "Architect" or "Engineer" means the company or companies retained by the Respondents to prepare the construction plans and specifications necessary to accomplish the operable unit remedial action described in the ROD and Statement of Work (SOW) which are attached to this Administrative Order as Appendices B and C, respectively.

B. "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C §9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499.

C. "Contractor" means the company or companies retained by the Respondents to undertake and complete the work required by this Administrative Order.

D. "Facility" means the "facility" as that term is defined at Section 101(9) of CERCLA, 42 U.S.C. §9601(9) and as further described in the SOW. The facility is located at 717 North Poplar Street, Jefferson, Ashtabula County, Ohio.

E. "Future liability" refers to liability arising after U.S. EPA's Certification of Completion is issued pursuant to Paragraph XVIII.

F. "Hazardous substance" shall have the meaning provided in Section 101(14) of CERCLA, 42 U.S.C. §9601(14).

G. "National Contingency Plan" ("NCP") shall have the meaning provided in Section 101 (31) of CERCLA, 42 U.S.C. §9601 (31).

H. "OEPA" means the Ohio Environmental Protection Agency.

I. "Operable Unit" means the work to be accomplished at the site in accordance with this Order, consistent with the Record of Decision, and as defined in the NCP, 40 CFR § 300.6.

J. "Oversight Costs" mean any costs incurred by U.S. EPA or the State in monitoring the compliance of the Respondents with this Administrative Order and the effectiveness of the operable unit these costs include, but are not limited to, direct payroll costs, indirect or overhead costs, travel, and contractor costs, and the periodic review described in Section VI below.

K. "Parties" means the U.S. Environmental Protection Agency and the Respondents.

L. "Performance Standards" shall mean those standards governing the conduct of the operable unit remedial action, as identified in the Record of Decision, Appendix B hereto and as referenced in the Statement of Work, Appendix C hereto.

M. "Record of Decision" or "ROD" means the Record of Decision signed by U.S. EPA on September 30, 1987, attached hereto and incorporated herein as Appendix B, and is the decision document

representing the selected remedial action for the operable unit.

N. "Respondents" means those parties who are so named in this Administrative Order and listed in Appendix A.

O. "Response Costs" means those costs incurred in connection with releases or threats of releases of hazardous substances at and from the Facility, not inconsistent with the requirements of the National Contingency Plan.

P. "State" means the State of Ohio.

Q. "Statement of Work" or "SOW" means the scope of work for implementation of the remedial design, remedial action, and operation and maintenance of the operable unit remedial action at the Facility, as set forth in Appendix C.

R. "United States" means the United States of America.

S. "U.S. EPA" means the United States Environmental Protection Agency.

T. "Waste Material" means any hazardous substance as defined by Section 101(14) of CERCLA, 42 U.S.C. §9601(14) and any associated "pollutant" or "contaminant" material, as defined by Section 101(33) of CERCLA, 42 U.S.C. §9601(33).

U. "Work" means the design, construction and implementation, in accordance with Section V hereof, of the tasks described in the Scope of Work, and any schedules or plans required to be submitted pursuant thereto.

III. DETERMINATIONS AND FINDINGS

1. The facility is a nine (9)-acre site located in northeastern Ohio within Jefferson Township in Ashtabula County, west of the Village of Jefferson. The facility is in close proximity to a residential area, and is immediately adjacent to a public park, fairgrounds, and Cemetery Creek. Surface water and groundwater from the site discharge to Cemetery Creek. Hazardous substances, as defined in Section 101(14) of CERCLA 42 U.S.C. §9601(14), were deposited, placed, and located at the Laskin/Poplar Oil site. Said site constitutes a "Facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. §9601(9), and shall hereinafter be referred to as the "Facility". There are and continue to be releases and/or threats of releases of hazardous substances at and from the Facility, including, but not limited to:

A. SOILS

VOLATILE COMPOUNDS

benzene
chlorobenzene
1,2-dichloroethane
1,1,1-trichloroethane
1,1-dichloroethane
1,1,2-trichloroethane
1,1,2,2-tetrachloroethane
1,2-trans-dichloroethylene
ethylbenzene
methylene chloride
trichlorofluoromethane
tetrachloroethylene
trichloroethylene
toluene

acetone
2-butanone
styrene
o-xylene

Acid Compounds
2,4-dimethylphenol
2,4-dichlorophenol
2-methylphenol

Base/Neutral Compounds
acenaphthene
1,2,4-trichlorobenzene
fluoranthene
isophorone
naphthalene
bis(2-ethylhexyl)phthalate
butyl benzyl phthalate
di-n-butyl phthalate
di-n-octyl phthalate
benzo(a)anthracene
benzo(a)pyrene
3,4-benzofluoranthene
benzo(b)fluoranthene
benzo(k)fluoranthene
chrysene
acenaphthylene
anthracene
benzo(ghi)perylene
fluorene
phenanthrene
dibenzo(a,h)anthracene
indeno(1,2,3-cd)pyrene
pyrene
dibenzofuran
2-methylnaphthalene

Pesticides
PCB-1254

* FROM SUMMARY OF ORGANIC ANALYSES OF ON-SITE SOIL SAMPLES
LASKIN/POPLAR OIL REMEDIAL INVESTIGATION

INORGANIC COMPOUNDS

Aluminum
Chromium
Barium

Beryllium
Cobalt
Copper

Iron
Nickel
Manganese

Zinc
Vanadium
Silver

Arsenic
Antimony
Selenium

Thallium
Mercury
Tin

Cadmium
Lead
Cyanide

* FROM SUMMARY OF INORGANIC ANALYSES OF ON-SITE SOIL SAMPLES
LASKIN/POPLAR OIL REMEDIAL INVESTIGATION

B. GROUNDWATER

Volatile Compounds

benzene
chlorobenzene
1,2-dichloroethane
1,1,1-trichloroethane
1,1-dichloroethane
1,1,2-trichloroethane
chloroethane
chloroform
1,1-dichloroethylene
1,2-tran-dichloroethylene
ethylbenzene
methylene chloride
chloromethane
tetrachloroethylene
toluene
trichloroethylene
vinyl chloride
acetone
2-butanone

4-methyl-2-pentanone
0-xylene

Acid Compounds

2,4-dimethylphenol
4-nitrophenol
phenol
2-methylphenol
4-methylphenol

Base/Neutral Compounds

fluoranthene
isophorone
naphthalene
bis(2-ethylhexyl)phthalate
di-n-butyl phthalate
di-n-octyl phthalate
diethyl phthalate
phenanthrene

* FROM SUMMARY OF ORGANIC ANALYSES OF GROUNDWATER SAMPLES
LASKIN/POPLAR OIL REMEDIAL INVESTIGATION

COMPOUND

Aluminum
Chromium
Barium

Beryllium
Cobalt
Copper

Iron
Nickel
Manganese

Zinc
Vanadium
Silver

Arsenic
Antimony
Selenium

Thallium
Mercury
Tin

Cadmium
Lead
Cyanide

* FROM SUMMARY OF INORGANIC ANALYSES OF GROUNDWATER SAMPLES
LASKIN/POPLAR OIL REMEDIAL INVESTIGATION

2. Respondent, Alvin F. Laskin, who has done business under the names of Laskin Greenhouse, Laskin Waste Oil, Poplar Oil Company, and others, is the owner and operator of a now inactive waste oil collection and road oiling business located at 717 North Poplar Street, Jefferson, Ohio. Records obtained from the Respondent indicate that he transported to, and accepted at, the Facility, hazardous substances, as defined in Section 101(14) of CERCLA, 42 U.S.C. §9601(14), for treatment or disposal.

3. Respondent, Poplar Oil Company, was established by Alvin F. Laskin in 1979 to engage in the collection of waste oils and other fluids for use as road oil and dust control agents and for brokerage to other waste oil dealers. Records obtained from Respondent, Alvin Laskin, indicate that Poplar Oil Company accepted at the Facility for treatment or disposal, hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C. §9601(14).

4. All other Respondents are either persons who by contract, agreement, or otherwise, arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment of

hazardous substances, as defined in Section 101(14) and/or possessed by them, at the Laskin facility, or are persons who accepted hazardous substances for transport to the Laskin facility and who chose the Laskin facility for such disposal or treatment.

5. During 1982, U.S. EPA removal operations removed 302,000 gallons of waste oil, treated 430,000 gallons of contaminated water and released it after treatment, and solidified 205,000 gallons of sludge.

6. The U.S. EPA, pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §9605, placed the Laskin/Poplar Oil Site in Ashtabula County, Ohio (the "Facility") on the National Priorities List, which is set forth at 40 C.F.R. Part 300, by publication in the Federal Register on September 8, 1983, 48 Fed. Reg. 40671.

7. In response to a release or a substantial threat of release of a hazardous substance at or from the Facility, the U.S. EPA in July, 1983, commenced a Remedial Investigation and Feasibility Study (RI/FS), pursuant to 40 C.F.R. 300.68, for the Facility. The RI/FS is ongoing and, when concluded, will lead to the selection of final remedial action for the Facility. The action mandated here is interim in nature and will only address the most immediate problems.

8. On September 16, 1986, in response to the presence on-site of 700,000 gallons of contaminated sludge in various in-ground pits

and above-ground tanks, U.S. EPA issued a unilateral Administrative Order (hereafter "First Administrative Order") to ten (10) Respondents, requiring them to develop a work plan to remove and dispose of these wastes and the above-ground tanks that held them. Also required by this Order was soil sampling to determine the extent of soil contamination around the in-ground pits which held the sludge.

9. On March 20, 1987, certain respondents to the First Administrative Order submitted a work plan for the removal and disposal of the sludge on site and a report presenting the results of the required soil investigation to U.S. EPA.

10. Prior to completion of the RI/FS, in response to a release or substantial threat of release from the pits and tanks which contain the sludge and from the contaminated soils surrounding them, the U.S. EPA commenced a Phased Feasibility Study ("PFS") in June, 1987. This PFS incorporates the work plan and report submitted by certain Respondents on March 20, 1987, as well as sampling results from the ongoing Remedial Investigation, and evaluates alternatives and proposes an interim remedy for addressing this immediate threatened or actual release.

11. Data concerning constituents and degrees and directions of flow of hazardous substances at and from the Facility, was collected during Phase I of the Remedial Investigation portion of the RI/Fs and by the ten (10) Respondents complying with the

First Administrative Order. This data indicated that further action is required at the site due to the release or substantial threat of release from pits and tanks which contain the sludge and from the contaminated soils surrounding them. The wastes present on the site include: approximately 6,000 gallons of oil, approximately 60,000 gallons of wastewater, and approximately 705,000 gallons of sludge. The types of contaminants present in the wastes include polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbons (PAHs), and volatile organic compounds (VOCs). The levels of contaminants found in the waste material are summarized in Appendix D. Data acquired to date suggests that the soils immediately surrounding the pits are expected to have contaminant levels commensurate with those found in the sludges and oils.

12. The route of greatest concern for release or threats of releases is seepage from the sides of the pits and the unlined bottoms of the pits. Seepage from the pits would have the potential of contaminating groundwater and soil. Groundwater samples and soil samples taken from around the pits indicate that releases have already occurred. The continued presence of these waste materials would allow more seepage to occur.

13. There is a potential for fire at the site. The wastes in Pit 2 have a flash point of only 80-85 degrees F, and much of the oils and sludges have high BTU values. A fire, started by whatever means, could create a contaminated smoke plume and could release contaminated materials to the site and surrounding area.

14. Based on surface topography, contaminants released on site have the potential of being carried into Cemetery Creek. Cemetery Creek empties into the Grand River, which supplies the drinking water for approximately 25,000 people in Ashtabula County.

15. PCBs are absorbed through the lungs, the gastrointestinal tract, the intact skin, and (in experimentally exposed animals) the eyes. After absorption, PCBs circulate through the body in the blood and accumulate in the liver, adrenal glands, and skin. The most significant concerns from PCBs are the chronic effects which are manifested over prolonged, but not necessarily continuous, exposure to low levels. Many of the toxic effects in mammals have been noted at extremely low levels of exposure, in several species at dietary levels of only 1.0 to 2.5 ppm or less. The toxic effects of PCBs in humans have been reported both as a result of occupational exposures and in the general population. PCBs have been shown to be carcinogenic in rats and mice, and there is evidence that they might cause stomach and liver cancer in humans. The Office of Health and Environmental Assessment (OHEA) of U.S. EPA developed health advisories for PCBs in soil. The OHEA assessment concluded that a PCB level of 1 to 6 ppm in soil in a residential/commercial area would be associated with 1×10^{-5} level of oncogenic risk.

16. Lead is the metal of primary concern found in the waste material. The main routes of exposure for lead are inhalation and

ingestion. The Centers for Disease Control (CDC) have stated that soil and dust levels of greater than 500-1000 ppm appear to be responsible for blood levels in children increasing above background levels. The major health effects associated with lead concern damage to the hematopoietic and neurological system. Lead can cause renal dysfunction, and is known to be teratogenic to animals. There is evidence that young children are more sensitive to the toxic effects of lead than are adults. The levels of lead in the oils range from 30-543 ppm. The level of lead in the sludges range from 69-12,000 ppm.

17. A number of PAHs were identified in the base/neutral analysis for the sludges. As a group, PAHs are persistent in the environment. Some PAHs are carcinogenic and mutagenic. Materials such as tars and oils, known to contain PAHs, have been shown to be carcinogenic to humans. The levels of total PAHs in the sludges range from 428 ppm to over 82,000 ppm.

18. No health based standards for VOCs in soil have been established. However, some of the VOCs at the site are considered toxic or are carcinogens. A number of the VOCs in the sludges can be found at levels greater than 10,000 ppm. The level of VOCs in the closest soil borings to the pits can be found at greater than 1 ppm.

19. Based on those matters set forth in the Determinations and Findings in paragraphs 11 through 18 above, the U.S. EPA concludes

that the releases or threats of releases of hazardous substances, described herein, constitute an imminent and substantial endangerment to the public health or welfare or the environment.

20. On August 4, 1987, the U.S. EPA, pursuant to Section 117 of CERCLA, 42 U.S.C. §9617, following evaluation of all alternatives in the PFS, published notice of completion of the PFS and identified the recommended alternative for an operable unit remedial action and provided opportunity for public comment to be submitted in writing to U.S. EPA by September 11, 1987, or orally at a public meeting held at the Ashtabula County Courthouse on August 26, 1987. U.S. EPA, pursuant to Section 117 of CERCLA, 42 U.S.C. §9617, has kept a transcript of the public meeting and has made this transcript available to the public.

21. Pursuant to Section 122(j) of CERCLA, 42 U.S.C. §9622(j), U.S. EPA notified the Federal natural resource trustee of negotiations with PRPs on the subject of addressing the release or threatened release of hazardous substances at the Facility.

22. Certain persons have provided comments on U.S. EPA's recommended alternatives for an operable unit remedial action, and U.S. EPA provided a summary of the response to such comments in the Responsiveness Summary of the ROD attached hereto in Appendix B.

23. Considering the recommended alternative for the operable unit remedial action and the public comments received, U.S. EPA

and the State have reached a decision on a final operable unit remedial action plan. U.S. EPA's decision on the final operable unit remedial action plan is embodied in a document called a Record of Decision ("ROD"), to which the State has given its concurrence, and which includes a discussion of U.S. EPA's reasons for the final plan for the operable unit, a response to each of the significant comments, criticisms and new data submitted during the public comment period for this Consent Decree, and any significant changes (and the reasons for such changes) in the proposed operable unit remedial action plan.

24. U.S. EPA's Record of Decision was signed by the Regional Administrator on September 30, 1988, and is attached hereto as Appendix B, and incorporated by reference herein.

25. Section 121 of CERCLA, as amended, 42 U.S.C. §9621 does not require that interim measures meet legally applicable or relevant and appropriate requirements (ARARs). However, to the extent that certain activities undertaken as part of the operable unit are permanent in nature the action selected in the U.S. EPA ROD is consistent with appropriate standards, requirements, criteria or limitations under Federal environmental laws or State environmental or facility siting laws.

26. Pursuant to Section 117(d) of CERCLA, 42 U.S.C. §9617(d), notice has been published by U.S. EPA in a major local newspaper of general circulation of adoption of the operable unit remedial

action plan in the form of the ROD, and of the ROD's availability to the public for review at U.S. EPA offices and local community repositories located in Ashtabula County, Ohio, which set forth the basis for the remedial action selected.

27. Pursuant to Section 121(d)(1), the operable unit remedial action adopted by U.S. EPA is intended to minimize further release and attain a degree of cleanup of hazardous substances, pollutants and contaminants released into the environment at the Facility.

28. Pursuant to Section 121(d)(1), the operable unit remedial action adopted by U.S. EPA provides for remedial action that is appropriate under the circumstances presented by the release or threatened release of hazardous substances, pollutants or contaminants at the Facility.

29. The operable unit remedial action is in accordance with Section 121 of CERCLA, 42 U.S.C. §9621 and with the National Contingency Plan ("NCP"), 40 C.F.R. Part 300.

30. The U.S. EPA, has determined that the remedial action for this operable unit is only part of a total remedial action that will attain a level or standard of control when completed that meets the requirements of Section 121(d)(1) of CERCLA, and as such, is a permissible action under Section 121(d)(4)(A) of CERCLA. The remedial action for this operable unit is consistent with the final remedy that will be undertaken at the Facility.

31. On August 18, 1987, U.S. EPA, pursuant to Section 122 of CERCLA, 42 U.S.C. §9622, notified certain parties, including Respondents herein, that the U.S. EPA determined that each party may be a potentially responsible party ("PRP") regarding the proposed operable unit remedial action at the Facility.

32. In accordance with Section 121(f)(1)(F) of CERCLA, 42 U.S.C. §9621(f)(1)(F), U.S. EPA notified the State of Ohio on August 18, 1987, of negotiations with potentially responsible parties regarding the scope of the operable unit remedial action at the Facility, and provided the State with an opportunity to participate in such negotiations and be party to any settlement.

33. A number of Respondents transmitted letters to U.S. EPA on and after October 23, 1987, offering a "good faith proposal" to undertake the operable unit remedial action. Despite such commitments to undertake such action, the Respondents did not propose settlement terms acceptable to U.S. EPA and the State by the conclusion of the 120 days moratorium period.

34. The Respondents are "persons" as that term is defined in Section 102(21) of CERCLA, 42 U.S.C. §9601(21). U.S. EPA has determined that the Respondents may, pursuant to Section 107 of CERCLA, 42 U.S.C. §9607, be liable for all costs incurred by the Government for the operable unit remedial design/remedial action (RD/RA) activities required by this Administrative Order, should

the Respondents fail to perform the operable unit remedial action properly and the Government undertake the action itself.

35. In order to protect public health, it is necessary that the remedy outlined in the U.S. EPA ROD for this facility be implemented, to mitigate the imminent and substantial endangerment posed by actual and threatened releases into the environment of hazardous substances from the facility.

IV. PARTIES BOUND

This Administrative Order applies to and is binding upon the Respondents identified in Appendix A hereto and their successors and assigns.

V. ORDER

Respondents shall provide a copy of this Administrative Order to any architect, engineer or contractor hired to perform the work required by this Administrative Order. Respondents shall also require that such architect, engineer or contractor provide a copy of this Order to any subcontractor retained to perform any part of the work required by this Administrative Order. Each contractor or subcontractor shall be qualified to do those portions of the work for which it is retained.

Based upon the foregoing Determination and Findings, and

pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606(a), it is hereby Ordered that Respondents perform the work as described below.

A. WORK TO BE PERFORMED

1. Within thirty (30) calendar days of the effective date of this Administrative Order, the Respondents shall submit a work plan to the U.S. EPA and the OEPA for the operable unit remedial design and remedial action at the Facility (Work Plan). The work plan shall be developed in conformance with the SOW, U.S. EPA Superfund Remedial Design and Remedial Action Guidance and any additional guidance documents provided to Respondents by U.S. EPA.

2. The Work Plan submittal shall include, but not be limited to, the following project plans, as appropriate: (1) a sampling and monitoring plan; (2) a health and safety/contingency plan; (3) a plan for satisfaction of permitting and access requirements; (4) a quality assurance project plan; and (5) an operation and maintenance plan. The Work Plan shall also include a schedule for implementation of the operable unit tasks and submittal of reports required by the SOW.

3. The Work Plan and all other document and reports (herein referred to as "documents") specified in the SOW and the approved Work Plan, shall be subject to review, modification and approval by U.S. EPA in consultation with OEPA.

4. Within forty-five (45) calendar days of receipt of any document, the U.S. EPA Remedial Project Manager shall notify Respondents in writing, of approval or disapproval of the document, or any part thereof. Failure by U.S. EPA to comply with time limits does not negate or affect EPA's right of approval. In the event that a longer review period is required, the U.S. EPA Remedial Project Manager shall notify Respondents of that fact within thirty (30) calendar days of receipt of the document. In the event of any disapproval, U.S. EPA in consultation with OEPA, shall specify, in writing, any deficiencies and required modifications to the document.

5. Within thirty (30) calendar days of receipt of notice of any deficiency, required modification or document disapproval, the Respondents shall submit a revised document to U.S. EPA and OEPA which incorporates the U.S. EPA modifications.

6. Respondents shall proceed to implement the work detailed in the Work Plan if and when the Work Plan is fully approved by U.S. EPA, within five (5) calendar days of such approval. Unless otherwise directed by U.S. EPA, the Respondent shall not commence field activities until approval by U.S. EPA of the Work Plan. The fully approved Work Plan shall be deemed incorporated into and made an enforceable part of this Administrative Order. All Work shall be conducted in accordance with the National Contingency Plan, the U.S. EPA Superfund Remedial Design and Remedial Action Guidance and the requirements of this Administrative Order, including the

performance standards identified in the ROD and the statement of work, and specifications and schedules contained in the Work Plan.

B. RESPONDENT'S CONTRACTOR AND RD/RA STATEMENT OF WORK

1. All remedial design and remedial action work to be performed by Respondents pursuant to this Administrative Order shall be under the direction and supervision of a qualified professional architect or engineer. Prior to the initiation of remedial design work for the Facility, the Respondents shall notify U.S. EPA and the OEPA, in writing, of the name, title, and qualifications of any proposed engineer or architect proposed to be used in carrying out the remedial design and remedial action work to be performed pursuant to this Administrative Order. Selection of any such architect or engineer shall be subject to approval by U.S. EPA in consultation with OEPA.

2. Appendix C to this Administrative Order provides a Statement of Work (SOW) for the completion of remedial design and remedial action at the Facility. This Statement of Work is incorporated into and made a part of this Administrative Order.

VI.

U.S. EPA PERIODIC REVIEW TO
ASSURE PROTECTION OF HUMAN HEALTH
AND ENVIRONMENT

Pursuant to Section 121(c) of CERCLA, 42 U.S.C. §9621 (c) and

any applicable regulations, U.S. EPA shall review the operable unit remedial action at the Facility at least every five (5) years or sooner after the initiation of the remedial actions described in this Administrative Order, to assure that human health and the environment are being protected by the remedial action being implemented. Notwithstanding any other provision of this Administrative Order, if upon such review, U.S. EPA determines that further response action in accordance with Section 104 or 106 is appropriate at the Facility, then U.S. EPA may take or require such action. U.S. EPA may conduct additional periodic reviews of other portions of the response actions, outside the scope of the operable unit remedial action covered by this Order.

Upon completion of its review pursuant to this Section, U.S. EPA shall notify Respondents of its determination regarding additional response actions revealed to be necessary by such review and may order additional response action pursuant to Section 106 of CERCLA or to assure protection of human health and the environment. Respondents shall be provided with an opportunity to confer with U.S. EPA and the State on any response action proposed as a result of U.S. EPA's continuing review and to submit written comments for the record. After the period for submission of written comments is closed, the Director of the Waste Management Division of U.S. EPA shall in writing either affirm, modify or rescind the Order for further response action.

VII.

QUALITY ASSURANCE

A. Respondents shall use quality assurance, quality control, and chain of custody procedures in accordance with U.S. EPA's "Interim Guidelines and Specifications For Preparing Quality Assurance Project Plans," (QAM-005/80) and subsequent amendments to such guidelines. Prior to the commencement of any monitoring project under this Administrative Order, Respondents shall submit a Quality Assurance Project Plan (QAPP) to U.S. EPA and the State that is consistent with the SOW, the Work Plan and applicable guidelines. Prior to the development and submittal of a QAPP, Respondents shall attend a pre-QAPP meeting sponsored by U.S. EPA. U.S. EPA, after review of Respondents' QAPP and the State's comments thereon will notify Respondents of any required modifications, conditional approval, disapproval, or approval of the QAPP. Upon notification of disapproval or any need for modifications, Respondents shall make all required modifications in the QAPP within fifteen (15) calendar days of such notification.

B. Respondents shall assure that U.S. EPA personnel or authorized representatives are allowed access to any laboratory utilized by Respondents in implementing this Administrative Order. In addition, Respondents shall have any such laboratory analyze samples submitted by U.S. EPA or the State for quality assurance monitoring.

VII.

FACILITY ACCESS, SAMPLING, DOCUMENT AVAILABILITY

A. To the extent that the Facility or other areas where Work is to be performed hereunder is presently owned by parties other than those Respondents named in this Administrative Order, Respondents shall use their best efforts to obtain an agreement for access from the present owners within thirty (30) calendar days of entry of this Administrative Order. Such agreement shall provide access for the Respondents, U.S. EPA, the State, and authorized representatives of U.S. EPA and the State. If such access is not obtained within the time specified herein, Respondents shall so notify U.S. EPA and the State, and Respondents shall use their best efforts to otherwise secure access to the Facility.

B. Respondents shall make available to U.S. EPA and the State the interim and final results of all sampling and/or test or other data generated by Respondents with respect to the implementation of this Administrative Order.

C. At the request of U.S. EPA or the State, Respondents shall allow split or duplicate samples to be taken by U.S. EPA, the State and/or their authorized representatives, of any samples collected by Respondents pursuant to the implementation of this Administrative Order. Respondents shall notify U.S. EPA and the State not less than fourteen (14) business days in advance

of any sample collection activity. In addition, U.S. EPA and the State shall have the right to take any additional samples that U.S. EPA or the State deem necessary. To the extent required by Section 104(e)(4) of CERCLA, 42 U.S.C. §9604(e)(4), the U.S. EPA will provide split samples of any samples it collects at the Facility.

IX.

PROGRESS REPORTS

A. Respondents shall provide, to U.S. EPA and the State, written monthly progress reports which: (1) describe the actions which have been taken toward achieving compliance with this Administrative Order during the previous month as well as such actions, data and plans which are scheduled for the next month; (2) include all results of sampling and tests and all other data received by Respondents during the course of the Work during the month; (3) include all plans and procedures completed under the Work Plan during the previous month; and (4) include sections detailing: anticipated problems and recommended solutions, problems encountered and/or resolved, deliverables submitted, upcoming events and activities planned (including sampling), key personnel changes, and scheduling. These progress reports are to be submitted to U.S. EPA and the State by the tenth day of every month following the effective date of this Administrative Order.

B. If the date for submission of any item or notification required by this Administrative Order falls upon a weekend or state or federal holiday, the time period for submission of that or notification is extended to the next business day following the weekend or holiday.

C. Upon the occurrence of any event during performance of the Work which, pursuant to Section 103 of CERCLA, requires reporting to the National Response Center, Respondents shall promptly orally notify the U.S. EPA Project Manager ("RPM") and OEPA, or in the event of the unavailability of the U.S. EPA RPM, the Emergency Response Section, Region V, United States Environmental Protection Agency, in addition to the reporting required by Section 103. Within twenty (20) calendar days of the onset of such an event, Respondents shall furnish to U.S. EPA and the State a written report setting forth the events which occurred and the measures taken, and to be taken, in response thereto. Within thirty (30) calendar days of the conclusion of such an event, Respondents shall submit a report to U.S. EPA and the State setting forth all actions taken to respond thereto.

X.

REMEDIAL PROJECT MANAGER/PROJECT COORDINATORS

A. U.S. EPA shall designate a Remedial Project Manager ("RPM") and the State shall designate a Project Coordinator

for the Facility, to observe and monitor the progress of any activity undertaken pursuant to this Administrative Order. The RPM shall have the authority lawfully vested in an RPM by the National Contingency Plan, 40 CFR Part 300. Respondents shall also designate a Project Coordinator who shall have primary responsibility for implementation of the Work at the Facility.

B. To the maximum extent possible, except as specifically provided in this Administrative Order, communications between Respondents and U.S. EPA concerning the implementation of this Administrative Order shall be made between the Project Coordinator and the RPM.

C. Within ten (10) calendar days of the effective date of this Administrative Order, Respondents and U.S. EPA shall notify each other, in writing, of the name, address and telephone number of the designated Project Coordinator and an alternate Project Coordinator, and RPM or alternate RPM.

XI.

RECORDS

A. Respondents shall make available to U.S. EPA and the State and shall retain, during the pendency of this Administrative Order and for a period of ten (10) years after its termination, all records and documents in their possession, custody, or control

which relate to the performance of this Administrative Order or to any transactions or dealings with Alvin Laskin or Poplar Oil Co., including, but not limited to, documents reflecting the results of any sampling, tests, or other data or information generated or acquired by any of them, or on their behalf, with respect to the Facility. After the ten (10) year period of document retention, Respondents shall notify U.S. EPA and the State, ninety (90) calendar days prior to the destruction of any such documents to U.S. EPA or the State and on request of the U.S. EPA, shall deliver custody and control of said documents to the U.S. EPA.

B. Respondents may assert business confidentiality claims covering part or all of the information provided in connection with this Administrative Order in accordance with Section 104(e)(7) of CERCLA, 42, U.S.C. §9604(e)(7), and pursuant to 40 CFR §2.203(b) and applicable State law.

C. Information determined to be confidential by U.S. EPA will be afforded the protection specified in 40 CFR Part 2, subpart B and, if determined to be entitled to confidential treatment under State law by the State, afforded protection under State law by the State. If no such claim accompanies the information when it is submitted to the U.S. EPA and the State, the public may be given access to such information without further notice to Respondents.

D. Information acquired or generated by Respondents in

performance of the Work that is subject to the provisions of Section 104(e)(7)(F) of CERCLA, 42 U.S.C. §9604(e)(7)(F), shall not be claimed as confidential by Respondents.

XII.

PENALTIES FOR NONCOMPLIANCE

Respondents are advised, pursuant to Section 106(b) of CERCLA, 42 U.S.C. §9606(b), that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject Respondents to a civil penalty for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Administrative Order, or any portion thereof, without sufficient cause may also subject Respondents to liability for punitive damages in an amount three times the amount of any costs incurred by the Government as a result of Respondents' failure to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. §9607(c)(3).

XIII.

OTHER CLAIMS

A. Respondents shall indemnify, save and hold harmless U.S. EPA, the State and/or their representatives from any and all claims or causes of action arising from acts or omissions of Respondents and/or their representatives in carrying out the

activities pursuant to this Administrative Order. U.S. EPA and the State shall notify Respondents of any such claims or actions within sixty (60) working days of receiving notice that such a claim or action is anticipated or has been filed. U.S. EPA and the State agree not to act with respect to any such claim or action without first providing Respondents an opportunity to participate.

B. U.S. EPA and the State are not to be construed as parties to, and do not assume any liability for, any contract entered into by Respondents in carrying out the activities pursuant to this Administrative Order. The proper completion of the Work under this Administrative Order is solely the responsibility of the Respondents.

XIV.

NOTICES

Whenever, under the terms of this Administrative Order, notice is required to be given, or a report or other document is required to be forwarded by one party to another, such correspondence shall be directed to the following individuals at the addresses specified below:

As to the United States or U.S. EPA:

- a. Jonathan McPhee
Attn: Laskin/Poplar Oil
(5CS-TUB-3)
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

As to the State of Ohio:

Ohio Environmental
Protection Agency
Attn: Laskin/Poplar
Site Project
Coordinator
Northeast District Office
2110 E. Aurora Road
Twinsburg, Ohio 44087

b. Anthony Rutter
Remedial Project Manager
Laskin/Poplar Oil Site
CERCLA Enforcement Section, 5HE-12
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

XV.

CONSISTENCY WITH
NATIONAL CONTINGENCY PLAN

The United States agree that the Work, if properly performed as set forth in Section V hereof, is consistent with the provisions of the National Contingency Plan pursuant to 42 U.S.C. §9605.

XVI.

RESPONSE AUTHORITY

Nothing in this Administrative Order shall be deemed to limit the response authority of the United States under 42 U.S.C. §9004, or to alter the applicable legal principals governing the judicial review of the Record of Decision.

XVII.

EFFECTIVE AND TERMINATION DATES

A. This Administrative Order shall be effective upon the date of its signature by the U.S. EPA.

B. When Respondents determine that they have completed the Work, they shall submit to U.S. EPA and OEPA a Notification of Completion and a final report as required by the Work Plan. The final report must summarize the Work performed, any modification to the Work Plan, and the performance levels achieved. The summary shall include or reference any supporting documentation.

Upon receipt of the Notice of Completion, U.S. EPA and the State shall review the accompanying report and any other supporting documentation and conduct any appropriate site inspection. U.S. EPA, in consultation with OEPA, shall issue a Certification of Completion upon its determination that Respondents have satisfactorily completed the Work and have achieved standards of performance required under this Administrative Order for this Operable Unit. After submittal of a Notification of Completion, but prior to the issuance of any Certification of Completion, U.S. EPA shall undertake a review of the remedial action. The Certification shall be issued only if U.S. EPA determines that additional response actions are not necessary under Section VI.

XVIII.

ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the above Determinations and Findings is available for review on weekdays between the hours 8:00 a.m. and 5:00 p.m., at the United States Environmental

Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Please contact Mr. Anthony Rutter, Remedial Project Manager, at (312) 886-7239, for review of the Administrative Record.

XIX.

OPPORTUNITY TO CONFER

With respect to the actions required above, you may within three (3) calendar days after receipt of this Administrative Order request a conference with U.S. EPA to discuss this Administrative Order and its applicability to you.

Any such conference shall be held within three (3) working days from the date of request. At any conference held pursuant to your request, you may appear in person and/or by an attorney or other representative. If you desire such a conference, please contact Mr. Jonathan McPhee, Assistant Regional Counsel, (312) 886-5348.

Any comments which you may have regarding this Administrative Order, its applicability to you, the correctness of any factual determinations upon which the Order is based, the appropriateness of any action which you are ordered to undertake, or any other relevant and material issue must be reduced to writing and submitted to U.S. EPA within three (3) calendar days following the issuance

of this Administrative Order. Any such writing should be directed to Mr. Jonathan McPhee, at the address cited above.

You are hereby placed on notice that U.S. EPA will take any action which may be necessary in the opinion of U.S. EPA for the protection of public health and welfare and the environment; and Respondents may be liable under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), for the costs of those Government actions.

IT IS SO ORDERED:

BY:


Basil G. Constantelos
Director
Waste Management Division
U.S. EPA, Region V

Effective Date: 26 FEB 1988

APPENDIX A

ABS INDUSTRIES, INC.
SHELDON & ANDREWS RE: ASHTABULA
RE: TRANS PLASTICS, INC.
1635 E. 6TH ST.
ASHTABULA, OH

AMERICAN CYANAMID CO.
WESTON, HURD, FALLON, PAISLEY & HOW
1 CYANAMID PLAZA
WAYNE, NJ 07470
ALICE GIANNI

ANCHOR MOTOR FREIGHT, INC.
SQUIRE, SANDERS & DEMPSEY
1800 HUNTINGTON BLDG.
CLEVELAND, OH 44115
KATHIANN M. KOWALSKI

ATEC INDUSTRIES, INC.
DONAHUE & SCANLON
ONE ERIEVIEW PLAZA
CLEVELAND, OH 44114
GLENN D. WAGGONER

BARLETTO EQUIPMENT CO.
C/O CHUCK BARLETTO
1015 MORAVIA
NEW CASTLE, PA 16107

BE-KAN, INC.
477 LEXINGTON AVENUE
P.O. BOX 230
PAINESVILLE, OH 44077

BROWNING-FERRIS INDUSTRIES, INC.
P.O. BOX 3151
HOUSTON, TX 77253
DONNA L. KOLAR

BUFFALO MOLDED PLASTICS, INC.
RE: ANDOVER DIVISION
1810 W. 20TH ST.
ERIE, PA 16502
JOHN MARCOLINE, PRESIDENT

CHEVRON CORP./GULF OIL CORPORATION
555 MARKET STREET
P.O. BOX 7141
SAN FRANCISCO, CA 94120
DANIEL E. VINEYARD

COCHRAN OIL COMPANY
WARREN & YOUNG
134 W. 46TH STREET
P.O. BOX 278
ASHTABULA, OH 44004
CARL F. MULLER

COMMERCIAL SHEARING, INC.
1775 LOGAN AVENUE
P.O. BOX 239
YOUNGSTOWN, OH 44501
JOHN G. HRITZ

CONSOLIDATED RAIL CORPORATION
SQUIRE, SANDERS & DEMPSEY
1800 HUNTINGTON BUILDING
CLEVELAND, OH 44115
KATHIANN M. KOWALSKI

COPE - VULCAN, INC.
SQUIRE, SANDERS & DEMPSEY
P.O. BOX 577
VULCAN BUILDING
LAKE CITY, PA

COPPERWELD STEEL CO.
ECKERT, SEAMANS, CHERIN & MELLOTT
600 GRANT ST. 42ND FLOOR
PITTSBURGH, PA 15219
JOHN W. UBINGER, JR.

DIVER-STEEL CITY AUTO CRUSHERS, INC.
1200 WICK BUILDING
YOUNGSTOWN, OH 44503
RONALD C. MOSTOV

EAST OHIO GAS CO.
1717 E 9TH STREET
CLEVELAND, OH

GENERAL ELECTRIC COMPANY
HANNOCH WEISMAN & CONNEAUT
NELA PARK #1200
CLEVELAND, OH

GENERAL MOTORS CORPORATION
3044 WEST GRAND BLVD.
DETROIT, MI 48202
BETSY ARCHER-JOHNSON

GENERAL REFRACTORIES CO.
DONAHUE & SCANLON
ONE ERIEVIEW PLAZA
CLEVELAND, OH 44114
GLENN D. WAGGONER

MIDWEST RUBBER RECLAIMING CO.
745 NORTON AVENUE
BARBERTON, OH 44203
JAMES E. DALEY

INTERLAKE STEAMSHIP COMPANY
DIV. OF PICKANDS MATHER & CO.
629 EUCLID AVENUE, SUITE 400
CLEVELAND, OH 44114
T.J. MANTHEY

NATIONAL FORGE CO.
KIRKPATRICK & LOCKHART
1500 OLIVER BUILDING
PITTSBURGH, PA 15222
RONALD L. KUIS

KAISER ALUMINUM & CHEMICAL CORP.
ROBINSON & MCELWEE
P.O. BOX 1791
CHARLESTON, WV 25326
M. ANN BRADLEY

NORTH EAST SERVICE PLAZA INC.
BERTSCH, FLUDINE, MILLICAN & O'MALLEY
1280 WEST THIRD STREET
CLEVELAND, OH 44115

KIMMEL PONTIAC, INC.
1536 W. 26TH ST.
ERIE, PA 16508
ROBERT C. BRABENDER, ESQ.

OHIO BROACH & MACHINE CO.
HANNOCH WEISMAN
35276 TOPPS INDUSTRIAL PARKWAY
WILLOUGHBY, OH

KOPPERS COMPANY, INC.
436 7TH AVENUE
PITTSBURGH, PA 15219
BILLIE S. NOLAN

PERFECTION CORPORATION
222 LAKE STREET
MADISON, OH 44057
DAVID S. JACOBSON

LITTON GREAT LAKES CORP.
P.O. BOX 6241
ERIE, PA 16512
RALPH W. BIGGS, JR., VICE PRES.

PERRY SHIPBUILDING CORP.
DAVIS AND YOUNG CO., LPA
FOOT AT CRANBERRY & ERIE
ERIE, PA 16502

LOCKE MACHINERY COMPANY
136 ST. GLORY ROAD
GREENVILLE, PA 16125
DAVID J. IMMONEN

PITTSBURGH & CONNEAUT DOCK CO.
REED, SMITH, SHAW, & MCCLAY
MELLON SQUARE
435 SIXTH AVENUE
PITTSBURGH, PA 15219
JOSEPH W. KLEIN

MATLACK, INC.
SQUIRE, SANDERS & DEMPSEY
1800 HUNTINGTON BUILDING
CLEVELAND, OH 44115
KATHIANN M. KOWALSKI

PITTSBURGH & LAKE ERIE RAILROAD
SUITE 780 COMMERCE COURT
FOUR STATION SQUARE
PITTSBURGH, PA 15219
RICHARD A. PORACH, ESQ.

MERCER FORGE
P.O. BOX 272
MERCER, PA 16137

ROCKWELL INTERNATIONAL CORP.
THOMPSON, HINE & FLORY
1100 NATIONAL CITY BANK BLDG.
CLEVELAND, OH 44114
DAVID E. NASH

R P & C VALVE
8150 W. RIDGE ROAD
R P & C BLDG.
FAIRVIEW, PA 16415

R.W. SIDLEY, INC.
MILLER & MILLER
P.O. BOX 150
436 CASEMENT AVE.
PAINESVILLE, OH 44077

TENNESSEE GAS PIPELINE CO.
HANNOCH WEISMAN
1010 MILAM STREET
HOUSTON, TX

MR. ALVIN LASKIN
717 POPLAR ST.
JEFFERSON, OH

POPLAR OIL CO.
717 POPLAR ST.
JEFFERSON, OH

TRW, INC.
BAKER & HOSTETLER OH
3200 NATIONAL CITY CENTER
CLEVELAND, OH 44114
MAUREEN A. BRENNAN

UNION CARBIDE CORPORATION
CLAFEE, HALTER & GRISWOLD
1800 SOCIETY BUILDING
EAST NINTH & SUPERIOR
CLEVELAND, OH 44114
WILLIAM E. COUGHLIN

UNITED PRODUCTS CO.
BUCKINGHAM, DOOLITTLE & BURROUGHS
990 HAZEL STREET
AKRON, OH 44305

WHITE CONSOLIDATED INDUSTRIES (WCI)
SQUIRE SANDERS & DEMPSEY
LAW: 1800 HUNTINGTON BLDG.
COPES-VULCAN & RP&C VALVE DIV.
CLEVELAND, OH 44115
KATHIANN M. KOWALSKI

A & T GARAGE
JOHN A LEOPARDI
3700 YOUNGSTOWN RD, SE
WARREN, OH.

A & F CARTAGE
NEWCOMER & SCHAEFFER LAW
117 W. MAIN ST.
Bryan, OH

OPERABLE UNIT REMEDIAL ACTION
Statement of Work
Laskin/Poplar Oil Site
Jefferson, Ohio

I. Purpose

The purpose of this operable unit remedial action at the Laskin/Poplar Oil site is to provide protection of public health and welfare and the environment from the presence of source material on site. Source materials include waste oils, waste waters, and sludges at the site, as well as visibly contaminated soils. A description of these materials, as well as an evaluation of the alternatives to address them, is presented in the Phased Feasibility Study (PFS). This action is an operable unit and is not meant to serve as the final remediation for the site. The waste areas covered in this report are considered likely sources of past and continuing releases of hazardous constituents to the environment. The public health and welfare and the environment would be served best by removing the source material at this point rather than waiting until the overall Remedial Investigation/Feasibility Study (RI/FS) is completed. The U.S. EPA Superfund Remedial Design and Remedial Action Guidance, any additional Guidance provided by U.S. EPA or Ohio EPA, and this Statement of Work (SOW) shall be followed in designing and implementing this operable unit remedial action at the Laskin/Poplar Oil site.

II. Background

1. Site History

The Laskin/Poplar Oil site, which is approximately 9 acres, is located in northeastern Ohio within Jefferson Township in Ashtabula County, west of the village of Jefferson. It is bounded on the north by Cemetery Creek, on the south and east by the Ashtabula County Fairgrounds, and to the west by wooded areas. The site location is shown in Figures 1 and 2.

The following facilities and structures are located on or around the site:

- The residence of Mr. Alvin Laskin, property owner;
- A boiler house, four boilers, and a stack;
- Several greenhouses;
- Thirty-four tanks;
- Four pits;
- A retention pond, a freshwater pond, and two treatment ponds; and
- Miscellaneous sheds and buildings.

The greenhouses at the site were in operation for about 80 years. Boilers were installed approximately 30 years ago to heat the greenhouses. During the 1960's, tanks were installed to hold waste oil to fire the boilers. The oils were not analyzed prior to acceptance, and oils containing polychlorinated

biphenyls (PCBs), phenols, and other hazardous substances were accepted. When the greenhouse business deteriorated, the owner began collecting, re-selling, and disposing of waste oil. These activities included oiling roads in Ashtabula County and at a nearby horse racing track. Through a series of legal actions, the company is now in receivership. All on-site business activities relating to oil have stopped.

Remedial activities at the site began in December, 1980 and are presently continuing. Several emergency actions have taken place during this time. Between July and November, 1982, U.S. EPA planned Superfund removal cleanup operations removed 302,000 gallons of waste oil; treated and released 430,000 gallons of contaminated water; and solidified 205,000 gallons of sludge which was then placed in Pit 4. Approximately 250,000 gallons of wastewater and oil from the pits, tanks, one pond and some drums were removed from the site in 1985 and 1986 by the potentially responsible parties (PRPs). All pits have been covered.

2. Objectives

Based on the condition at the site, the following response objectives were addressed in the PFS:

1. Control the continuing risk of groundwater contamination from the presence of contaminants in the pits and soil;
2. Control the public health risk due to direct contact with on-site soils; and
3. Control the environmental risk due to run-off of hazardous substances in on-site soil.

These response objectives, when attained through this operable unit remedial action and in accordance with the Performance Standards specified herein, shall provide protection of public health and welfare and the environment, to the extent that this operable unit is intended to do so.

3. Description of Operable Unit Remedial Action

The major components of this operable unit remedial action to be implemented at the Laskin/Poplar Oil site are:

- construction of a fence around the contaminated portions of the site and the on-site incinerator;
- on-site incineration of oils, sludges, and highly contaminated soils;
- off-site treatment of all wastewater and decontamination water, and scrubber water;
- off-site disposal of all incinerator ash;

- dismantling and off-site disposal of all tanks;
- crushing and incineration of the cinder block walls of the pits;
- backfilling and/or grading of all excavated areas to preclude ponding or erosion.

Refer to the PFS and the Record of Decision (ROD) for a detailed description of this operable unit remedial action.

4. Clean-up Levels

The operable unit remedial action at the Laskin/Poplar oil site shall remove the source material from the site and shall incinerate it. The source material shall include waste oils, waste waters, and sludges at the site, as well as visibly contaminated soils. These source materials are located in the pit and tank area, the backfilled pond, and the sluiceway from the backfilled pond to the retention pond. The clean-up level established for determining the extent of soil removal is to remove all soil that is visibly contaminated due to bulk movement of oils and sludges. Visibly contaminated soils are defined as soils saturated with oils or sludges as determined by a visual inspection with the final determination to be made by U.S. EPA or their representatives.

III. Remedial Action Elements

Completion of the operable unit remedial action at the Laskin/Poplar Oil site shall proceed according to the following tasks:

Task 1 - Workplan Preparation

Within sixty (60) calendar days of entry of the Consent Decree a workplan for the operable unit remedial action shall be submitted to the U.S. EPA and OEPA. Prior to the development of the workplan, the U.S. EPA, OEPA, potentially responsible parties (PRPs), and their respective contractors shall meet to review the PFS, the ROD and the recommended remedial actions. Additional meetings will be held as necessary during the development of the workplan.

The workplan shall provide for the following activities and the development of the following plans:

1. Site Access

All site access agreements required to implement the project shall be obtained by the PRPs prior to initiation of remedial construction or additional studies. Property access should extend for the duration of the clean-up and associated operation and maintenance, as necessary. Copies of all access agreements shall be submitted to U.S. EPA and OEPA. Site access shall be

in accordance with the Consent Decree Paragraph IX.

2. Site Security

During all activities taken on-site, or at all times when equipment or personnel are on-site or adjacent to the site, the PRPs shall maintain adequate security to prevent unauthorized access to the site or equipment. This security shall include upgrading the fencing around the site and around any equipment adjacent to the site to at least a 6-foot chain link fence topped by barbed wire, and may include guard service.

3. Quality Assurance and Quality Control

A site specific Quality Assurance Project Plan (QAPP) shall be developed based on guidance provided by U.S. EPA. The QAPP shall include:

1. Project description;
2. Project organization and responsibilities;
3. Quality management objectives;
4. Sampling and sample custody procedures;
5. Report format;
6. Calibration procedures and frequency;
7. Analytical procedures;
8. Data analysis and reporting;
9. Internal QC checks;
10. Performance of system audits;
11. Preventive maintenance;
12. Procedures for assessing data precision, accuracy, and completeness;
13. Corrective actions; and
14. QA reports.

A draft QAPP shall be submitted for U.S. EPA review with the intermediate (60%) design document package. Required corrections shall be incorporated in the final QAPP to be submitted with the prefinal (95%) design document package. Document review shall be in accordance with Paragraph V of the Consent Decree, and dispute resolution shall be governed by Paragraph XIII of the Consent Decree. The QAPP shall address all phases of work preceding and including implementation of the operable unit remedial action.

4. Site Safety Plan

A Site Safety Plan (SSP) shall be submitted which is designed to protect on-site personnel and area residents from the physical, chemical and/or biological hazards particular to the site and this action. The SSP will present performance requirements, constraints, and criteria in relation to:

1. Personnel;

2. General requirements;
3. Levels of protection;
4. Safe work practices and engineering safeguards;
5. Medical surveillance;
6. Environmental and personnel air monitoring;
7. Personnel protective equipment;
8. Personnel hygiene;
9. Personnel and protective equipment decontamination;
10. Site work zones;
11. Contaminant control;
12. Contingency and emergency response planning; and
13. Logs, reports, and record keeping.

The SSP shall follow U.S. EPA guidance as well as OSHA requirements outlined in 29 C.F.R. 1910 (51FR45654). A draft SSP shall be submitted for U.S. EPA review with the intermediate (60%) design document package. Required corrections shall be incorporated in the final SSP to be submitted with the prefinal (95%) design document package. Document review shall be in accordance with Paragraph V of the Consent Decree, and dispute resolution shall be governed by Paragraph XIII of the Consent Decree. The SSP shall address all phases of work preceeding and including implementation of the operable unit remedial action.

5. Sampling and Monitoring Plan

To establish the levels of contaminants in the remaining soils after all visibly contaminated soils have been removed, samples of the visibly clean soils will be obtain prior to grading the site. These samples shall be analyzed for the full hazardous substance list (CLP list). At a minimum several soil samples shall be obtained from the areas remaining after each pit is removed as well as from each other areas where soils are removed. A sampling plan shall be submitted with the intermediate (60%) design document package which satisfies this requirement.

6. Compliance with the Requirements of other Environmental Laws

The design package submitted shall be in accordance with CERCLA procedures on compliance with other environmental laws. Refer to "CERCLA Compliance with Other Environmental Statutes," Appendix to Preamble of the National Oil and Hazardous Substances Pollution Contingency Plan, Final Rule, (50 FR 2892.6), November 20, 1985, for additional information. All applicable or relevant and appropriate requirements identified in the ROD and PFS shall be analyzed and incorporated into the design.

The following shall be identified: (1) the permitting authority(ies); (2) construction/operating permits required; (3) time required by the permitting agency(ies) to process the applications(s); (4) monitoring and/or compliance testing requirements; and (5) actual agency regulations governing applications,

exemptions, variances, etc.

All required application forms shall be obtained, completed, and provided to the appropriate permitting authority. Copies of all correspondence from permitting agencies which either detail permit requirements or indicate that no permits are necessary, shall be furnished to the U.S. EPA and DEPA.

7. Operation and Maintenance Plan

An Operation and Maintenance (O & M) Plan shall be developed to ensure effectiveness and safety of the on-site incinerator. This plan shall contain the basic elements listed below:

A. Description of Normal Operation and Maintenance

1. Description of tasks for operation;
2. Description of tasks for maintenance;
3. Description of prescribed treatment or operating conditions; and
4. Schedule showing frequency of each O & M task.

B. Description of Potential Operating Problems

1. Description and analysis of potential operating problems;
2. Sources of information regarding problems; and
3. Common remedies.

C. Description of Routine Monitoring and Laboratory Testing

1. Description of monitoring tasks;
2. Description of required laboratory tests and their interpretation;
3. Required QA/QC; and
4. Schedule of monitoring frequency and when, if so provided, to discontinue.

D. Description of Alternate O & M

1. Should system fail, alternate procedures to prevent undue hazard; and
2. Analysis of vulnerability and additional resource requirements should a failure occur.

E. Safety Plan

1. Description of precautions, of necessary equipment, etc., for site personnel; and
2. Safety tasks required in event of systems failure (may be

linked to site safety plan developed in Task 1, item 4.

F. Description of Equipment

1. Equipment necessary to plan;
2. Installation of monitoring components;
3. Maintenance of site equipment; and
4. Replacement schedule for equipment and installed components.

G. Records and Reporting Mechanisms Required

1. Daily Operating Logs;
2. Laboratory Records;
3. Mechanism for reporting emergencies;
4. Personnel and maintenance records; and
5. Monthly/Annual Reports to State Agencies.

A generic O & M plan shall be developed during the Remedial Design phase. The specific O & M plan shall be developed during the Remedial Action phase and shall incorporate information supplied by the incinerator vendor. To ensure correlation of the separate but related phases of design and O & M, an draft generic O & M plan shall be submitted simultaneously with the pre-final design document submission and the final generic O & M plan with the final design documents.

The technical specifications governing the incinerator shall include contractor requirements for providing: appropriate service visits by experienced personnel to supervise the installation, adjustment, startup and operation of the system and appropriate operational procedures training once the startup has been successfully accomplished.

8. Contingency Plan

A Contingency Plan shall be developed to address safety factors built into design plans and alternatives to be implemented in cases of systems failure. The Contingency Plan shall discuss the monitoring to be conducted which will indicate the need for implementation of the Contingency Plan.

9. Plans and Specifications

An outline shall be developed on the preparation of the Remedial Design and the resulting final construction plans and specifications.

Task 2 - Remedial Design

Final construction plans and specifications for the Remedial Design

shall be prepared to accomplish the recommended operable unit remedial action as defined in the ROD and PFS. The plans and specifications shall be of a performance type which shall meet the objectives and clean-up levels discussed in Section II of this Statement of Work and the ROD.

The plans and specifications shall be developed in the following phases:

1. Intermediate Design - A design review shall be required at 60% completion of the design. This submittal shall include the first draft of the QAPP and SSP and generic O & M plan. Document review shall be in accordance with paragraph V of the Consent Decree, and dispute resolutions shall be governed by Paragraph XIII of the Consent Decree.
2. Prefinal/Final Design - Prefinal/final design documents shall be submitted in two parts. The first submission shall be at 95% completion of design (i.e., prefinal). After approval of the prefinal submissions, the required revisions shall be executed and the final documents shall be submitted 100% complete with the reproducible drawings and specifications ready for bid advertisement. Document review shall be in accordance with Paragraph V of the Consent Decree, and dispute resolution shall be governed by Paragraph XIII of the Consent Decree. This portion of the document package as submitted for prefinal/final design shall include but not be limited to the design analysis, final construction drawings and specifications.

Coordination shall be consistent with the submission requirements of the drawing and specifications through prefinal/final design. The final design shall reflect a level of effort such that the technical requirements of the project have been addressed and outlined so that they may be reviewed to determine if the final design will meet the applicable requirements for the project. Supporting data and documentation shall be provided with the design documents defining the functional aspects of the project. Construction drawings shall reflect organization and clarity. Technical specifications shall be outlined in a manner reflecting the final specifications. Design analyses and calculations shall be included with the submission.

Task 3 - Implementation of Remedial Action

Within 15 calendar days of approval of the final plans and specifications by U.S. EPA and OEPA, the Contractor shall begin implementation of the operable unit remedial action.

This work shall be conducted in accordance with these final plans and specifications as well as the schedule in the workplan.

The specific O & M plan shall be completed prior to the start of actual

field work.

The first activity to be conducted, before any equipment or vehicle shall be allowed on-site, shall be the rehabilitation of the decontamination facilities. Subsequently, prior to additional on-site activities, site security shall be upgraded with the installation of improved fencing around the site and the area where the incinerator will be placed. Following improvement of site security, mobilization and implementation may proceed as detailed in the workplan.

Task 4 - Site Closure

Following completion of all clean-up activities and monitoring specified for this operable unit, the areas from which soils or other materials were removed shall be backfilled with on-site soils and/or graded to prevent the ponding of rainwater. Additionally, this grading shall be done in such a manner as to prevent soil erosion. If necessary, additional erosion control measures shall be implemented.

Before the site is vacated by the Contractor(s), all equipment brought onto the site shall be decontaminated properly and removed. All disposable safety gear and other equipment which cannot be decontaminated shall be disposed of appropriately. Finally, the site shall be policed to ensure it is left free of trash.

Appendix - Schedule

A schedule shall be developed demonstrating the time frame for development of the remedial design and implementation of this operable unit remedial action. The schedule shall include time frames for submittal of document packages for agency review and approval, and meetings for discussion of submittals. Sampling and monitoring plans shall also be included.

Key milestones for this operable unit remedial action are:

Submit Work Plan - thirty (30) calendar days after signature by the Settling Defendants of the Consent Decree.

Complete intermediate (60%) plans and specifications - thirty (30) calendar days after approval of Work Plan.

Complete prefinal (95%) plans and specifications - thirty (30) calendar days after approval of intermediate plans and specifications.

Complete final plans and specifications - fifteen (15) days after approval of prefinal plans and specifications.

Begin implementation of operable unit remedial action - fifteen (15) calendar days after approval of final plans and specifications.

Complete implementation of operable unit remedial action - three hundred eighty (380) calendar days after approval of final plans and specifications.

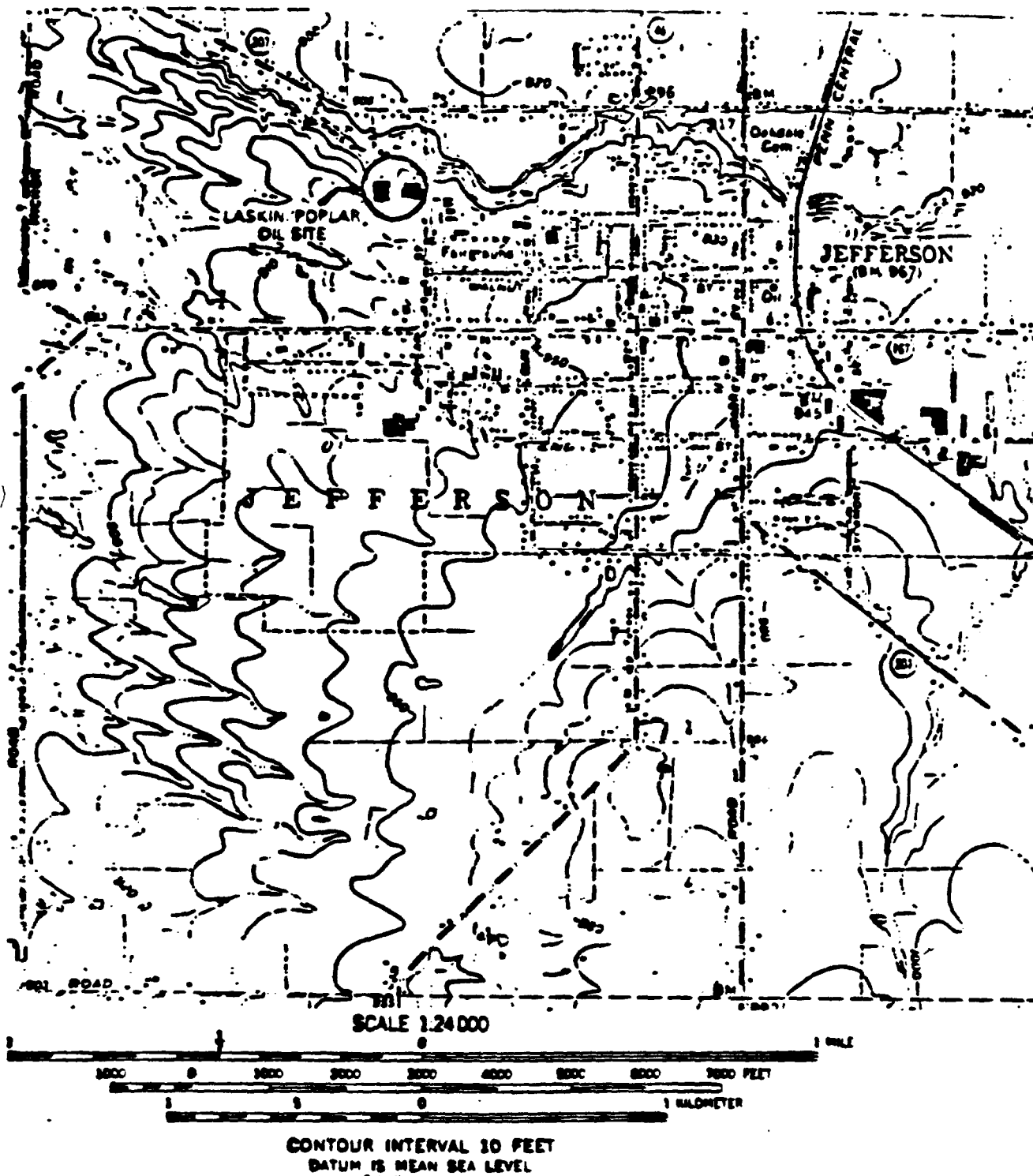


FIGURE 1
LOCATION MAP
LASKIN/POPLAR OIL

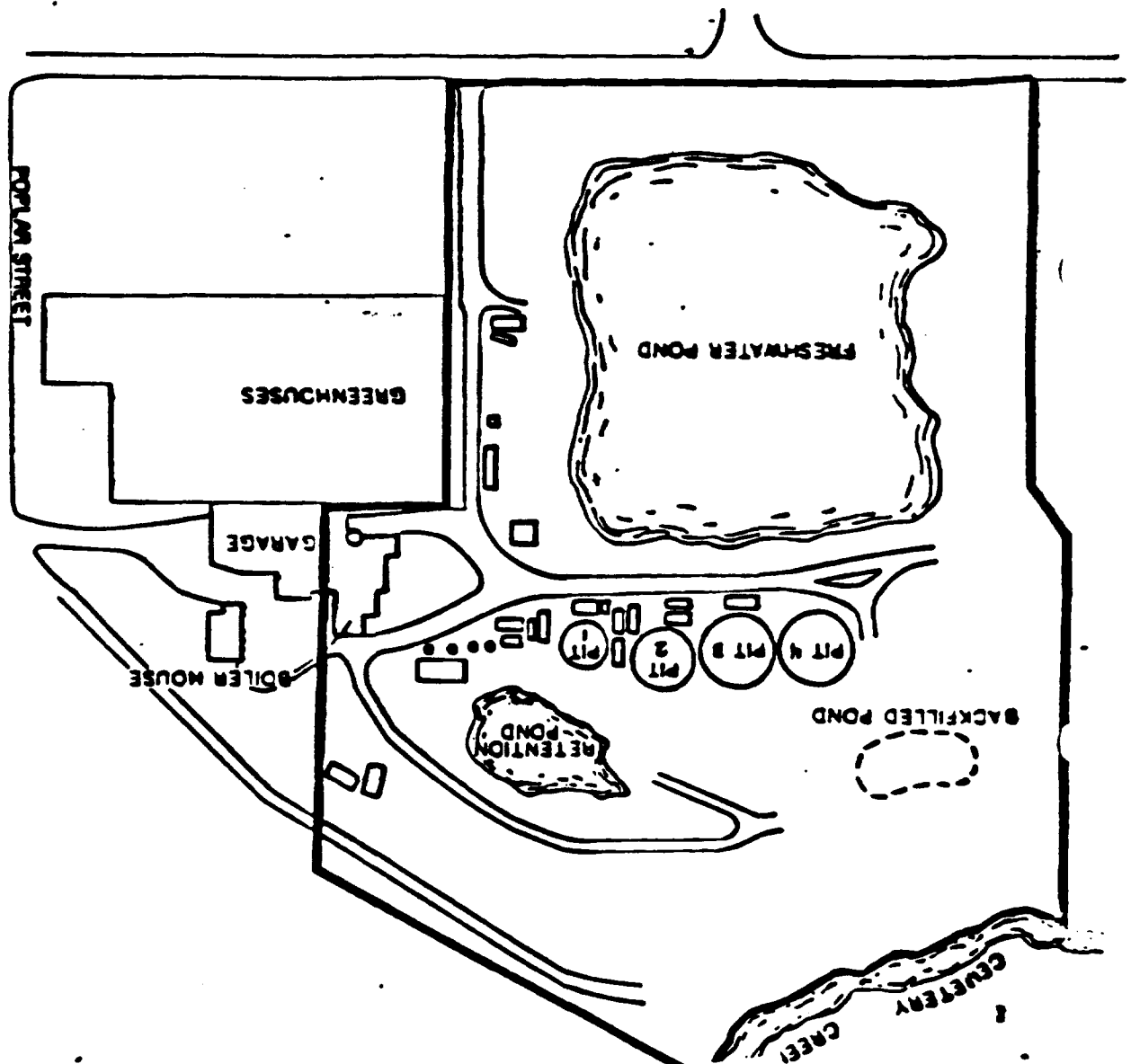


FIGURE 2
SITE MAP
LASKIN/POPLAR OIL

APPENDIX D

ANALYSIS OF WASTES

	Ranges of Contaminants		
	Oils	Wastewaters	Sludges
METALS (ppm)			
Aluminum		0.04-4.87	28-14,600
Antimony		0.0-0.2	0.0-13
Arsenic		0.0-0.75	0.0-16
Barium	2.0-34	0.021-0.7	6.1-1.270
Chromium	0.0-8.5	0.0-0.074	10-3,420
Copper	0.0-13	0.0-0.224	25-598
Iron	25-295	0.227-74.9	28-4,720
Lead	30-543	0.004-0.62	69-12,400
Magnesium	<20	0.08-47.2	0.0-9,040
Manganese	1.9-8.4	0.014-7.22	0.0-375
Mercury	0.0-0.24	0.0-0.0003	0.0-18
Nickel		0.0-0.291	0.0-82
Zinc	9.0-290	0.267-15.9	18-5,060
Cyanide		0.0-0.03	0.0-5
PCBs (ppm)			
Aroclor 1221		0.0-0.054	
Aroclor 1242	10-22	0.0-0.024	0.0-94
and/or 1016			
Aroclor 1254	41-144	41-0.15	0.0-170
Aroclor 1260	0.0-12		
VOLATILE ORGANICS (ppm)			
Methylene (Chloride)		0.0-2.4	0.0-3,800
Acetone		0.25-46	0.0-97,000
1,1-Dichloroethene			0.0-1.7
1,1-Dichloroethane		0.0-0.12	0.0-5.3
Chloroform		0.0-1.2	0.0-5,100
1,2-Dichloroethane		0.0-0.36	0.0-6,400
2-Butanone		0.0-18	0.0-19,000
1,1,1-Trichloroethane		0.0-0.27	0.0-21,000
Trichloroethene		0.0-0.04	0.0-1,200
Benzene		0.0-0.46	0.0-280
4-Methyl-2-Pentanone		0.0-3.8	0.0-7,400
Tetrachloroethene		0.0-0.01	0.0-750
Toluene		0.0-7.4	22-76,000
Chlorobenzene			0.0-2

Ethylbenzene	0.0-14	14-44,000
Total Xylenes	0.0-3.4	49-140,000
Vinal Acetate		0.0-10

BASE/NEUTRALS (ppm)

1,3-Dichlorobenzene		0.0-120
1,2-Dichlorobenzene		0.0-62
Nitrobenzene	0.0-2.2	
Isophorone	0.0-17	0.0-15,000
1,2,3-Trichlorobenzene		0.0-130
Naphthalene	1.3-15	0.0-34,000
2-Methylnaphthalene	0.45-45	96-5,800
Acenaphthalene	0.0-6.5	0.0-1,000
Acenaphthene	0.11-34	50-6,600
Dibenzofuran	0.25-30	0.0-3,600
Fluorene	0.0-30	0.0-5,000
4-Nitroaniline	0.0-5	
n-Nitrosodiphenylamine	0.0-26	0.0-1,600
Phenanthrene	0.62-97	0.0-12,000
Anthracene	0.14-17	0.0-9,000
di-n-Butyl Phthalate	0.0-2.7	0.0-62
Fluoranthene	0.22-30	0.0-5,300
Pyrene	0.18-35	0.0-5,200
Butylbenzylphthalate	0.0-0.033	0.0-290
Benzo (A) Anthracene	0.0-8.5	0.0-1,400
bis(2-ethylhexyl) Phthalate	0.0-8.5	0.0-370
Chrysene	0.0-51	0.0-1,500
Di-N-Octyl Phthalate		0.0-1,000
Benzo (B) Fluoranthene	0.0-6.2	0.0-95
Benzo (A) Pyrene	0.0-0.44	
Indeno(1,2,3-c,d) Pyrene		0.0-330
Benzo (g,h,i) Pyrene		0.0-350

ACID EXTRACTABLES (ppm)

Phenol	1.7-53	0.0-34,000
2-Methylphenol	0.0-34	0.0-8,500
4-Methylphenol	0.0-9.5	0.0-22,000
2,4-Dimethylphenol	0.0-16	0.0-2,700
4-Chloro-3-Methylphenol		0.0-140